



## OFFICE OF THE DISTRICT ATTORNEY CIVIL DIVISION

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April 19, 2013  
Via U. S. Mail and Electronic Transmission  
*KMunro@ag.nv.gov*

Keith G. Munro, Assistant Attorney General  
Nevada State Attorney General's Office  
100 N. Carson Street  
Carson City, NV 89701

Re: Monica Contreras v. Ronald Fox; James Kenyon; Patricia Doninger; Clark County;  
and State of Nevada, ex rel. The Eighth Judicial District Court  
USDC Case No. 2:13-cv-00591-MMD-PAL

Dear Mr. Munro:

This letter is sent in follow up to our phone conversation yesterday afternoon. That conversation occurred in response to my email of that same date, advising that this office had just been informed that District Court employee defendants in the above-referenced action, namely Ronald Fox and James Kenyon, had been served with the Summons and Complaint in this matter on April 9, 2013. Responses on their behalf in the USDC action are therefore due on April 30, 2013. My email was necessitated by the absence of response from your office concerning this office's April 5, 2013 tender of defense of these employees pursuant to NRS 331.187. While much of our discussion branched to our differing opinions of the State's obligations under that statute, I will strive to focus this letter on the matter at hand, namely timely response on behalf of the named court employees.

In spite of my request during our conversation yesterday, you have made it clear that you do not intend to provide a written response to the tender. Instead, you orally advised that you would not consider the tender by the County because you first want to see the written requests for representation from each of the named employees pursuant to NRS 41.0339. You then stated that a course and scope analysis must be provided by this office before you would even consider the

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EXHIBIT 6

Keith G. Munro, Assistant Attorney General  
April 19, 2013  
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Re: Contreras v. Fox, et al.  
USDC Case 2:13-cv-000591-MMD-PAL

representation. Aside from the fact that this newly stated oral demand from you is a substantial departure from your offices' practice over the last nine years, and ignoring your failure to timely seek that information in response to the tender, your request misunderstands the purpose of the tender.

The tender clearly stated that it was made pursuant Clark County's payment of the NRS 331.187 assessment into the State Treasury Fund for Insurance Premiums. Clark County's payment of the assessment places responsibility for defense of this action against "employees of the district court", squarely on the State. The employees' presentation of their NRS 41.0339 requests is an independent issue. Your delay in responding to the tender by making that demand as a precursor to acceptance of the tender has placed the employees in jeopardy of default in this action.

Therefore, this office has retained counsel for each of the named individual court employees, who, given the facts of this case, each require separate counsel. The bills for these defense attorneys will be submitted to the State for payment. Each of the retained firms has been retained at reduced rates contracted with the County and the Las Vegas Metropolitan Police Department so as to minimize the cost to the State fund.

Having acted to protect the rights of these employees, and the potential liability of the State for their conduct, I have also notified each defendant of the assigned counsel and requested that they provide a written request for defense, including an explanation of why they believe they were acting within the course and scope of their employment with the District Court. I will forward those for your consideration upon receipt.

Should you desire to have the State assume representation of any of these employees pursuant to NRS 331.187, please let me know.

Sincerely,

STEVEN B. WOLFSON  
DISTRICT ATTORNEY

By: 

STEPHANIE A. BARKER  
Chief Deputy District Attorney

SAB/hs  
Enclosure

cc: Catherine Cortez-Masto, Attorney General  
Mary-Anne Miller, County Counsel  
Steve Grierson, Eighth Judicial District Court Executive Officer  
Jillian Prieto, Eighth Judicial District Court Staff Counsel

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Posted March 17, 2013 - 2:20am Updated March 17, 2013 - 4:00pm

## Allegations of misconduct, cover-ups invade Family Court



MICHAEL QUINE/LAS VEGAS REVIEW-JOURNAL

On Aug. 8, 2011, after a child custody hearing in Family Court, Monica Contreras accused a Family Court marshal of groping her.

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By JEFF GERMAN  
LAS VEGAS REVIEW-JOURNAL

Alleged cover-ups of wrongdoing, a failure to act on internal investigations and a lack of written procedures for

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investigating misconduct are undermining the administration of Family Court marshals. 13

The swirling allegations, which grew from complaints that marshals abused two women who appeared in Family Court on unrelated matters, highlight mounting concerns about misconduct among the officers who are supposed to keep the peace in a highly charged court that deals with domestic problems.

Family Court, a division of Clark County District Court, has 20 judges who oversee a variety of domestic issues, including divorces and child custody and abuse cases.

Providing the backdrop in the unfolding drama is a bitter legal fight by the 112 marshals assigned to both Family Court and the Regional Justice Center to shift from court supervision to instead become Clark County employees. The marshals believe the county would establish written guidelines for dealing with disciplinary matters.

In December, the Clark County Deputy Marshals Association asked the Nevada Supreme Court to recognize the marshals as county employees. The courts opposed the move, but the county indicated it "neither supports nor opposes" the effort and would recognize the marshals if ordered to do so.

"There's a lack of administration and supervision under the courts, which is the problem," said attorney Adam Levine, who represents the marshals union. "There are laws

governing the investigation and discipline of peace officers. Because the judiciary and the court administration have attempted to assert control over the marshals, these laws are not being complied with."

Levine also represents former Marshal Ron Fox, who was fired after an internal investigation by court administrators into an allegation that he groped Monica Contreras, 28, who was in Family Court with her 3-year-old daughter on Aug. 8, 2011, for a brief hearing related to her divorce.

In a courtroom incident captured on video, Contreras complained to Hearing Master Patricia Doninger that Fox assaulted her in a nearby witness room under the guise of searching for drugs.

Contreras alleged Fox touched her buttocks and breast and ordered her to lift and shake her bra so he could determine whether she was hiding drugs or drug paraphernalia, according to internal court documents.

On courtroom video, Doninger is seen playing with Contreras' daughter and appearing to ignore the woman's emotional description of the incident and plea for help.

Fox tried to get her to recant the allegations. When she refused, another marshal, James Kenyon, handcuffed her and took her into custody. Her crime, as described by Fox, was making false allegations.

As she's about to be led away, a hysterical Contreras is heard on the video pleading with the seemingly indifferent hearing master, "How could you do this to me? How could you watch? How could you watch?"

Then she tells the marshals, "Leave me alone. I don't want to go to jail. I'm just trying to defend myself."

As Fox makes arrangements to send Contreras' daughter to Child Haven, the girl runs up to the marshals and tells them not to take away her mother.

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Contreras was taken to a holding cell, where she was subjected to urine and field sobriety tests. Fox contended she was displaying the demeanor of someone on drugs. The tests results were negative.

Marshals cited Contreras on charges of providing false information to a police officer and disturbing the peace, both misdemeanors.

Months later in May 2012, she pleaded no contest in Las Vegas Justice Court to a misdemeanor disorderly conduct charge that had been changed from the charge of providing false information. The disturbing the peace charge was dismissed.

Court officials would not say whether her daughter actually ended up in Child Haven.

Officials also refused to say whether Doninger, who is still a hearing master, was disciplined for looking the other way.

Records show the marshals asked Las Vegas police the day of the confrontation to investigate Contreras' allegations against Fox. Detectives interviewed her at Family Court, but later dropped the investigation after they concluded she "changed her story numerous times."

Little was heard about her allegations after police dropped the case until Contreras filed a complaint against Fox at the Regional Justice Center on Oct. 25, 2011, and the internal court investigation was launched.

#### FIRING, SCATHING REPORT

Fox denied the allegations, but was placed on administrative leave on Nov. 1, 2011, and ultimately fired.

Assistant County Manager Ed Finger, who served as a hearing master in post-termination proceedings, issued a scathing 12-page report upholding Fox's firing.

"Fox, and to some degree Kenyon, simply intimidated and bullied the complainant in a way that is shocking and almost incomprehensible, using the complainant's own freedom and custody of her three-year-old child as threats," Finger wrote.

But in December, Levine filed a petition in District Court seeking to overturn Fox's firing. Levine also asked for a court injunction to stop all disciplinary proceedings against marshals until written procedures for investigating misconduct complaints are in place and available to the public, as state law requires.

Levine argued Fox did not get a fair hearing. Without written procedures to guide investigators, Leonard Cash, the assistant court administrator who oversees Family Court, was able to tamper with witnesses, he alleged.

Kristina O'Connor, Family Court's office services manager, can be heard in an audio recording of her interview with investigators saying she felt "uncomfortable" that Cash approached her before the interview.

O'Connor told investigators Cash wanted her to recall a key aspect of a conversation that she could not remember.

"Why is an assistant court administrator telling witnesses what to remember right before an internal affairs interview?" Levine asked.

#### ANOTHER ALLEGATION

Allegations also surfaced that some Family Court marshals, including their supervisor, Lt. Steve Rushfield, participated in a cover-up of the assault allegations against Fox.

But it is unclear whether the allegations were substantiated and what, if any, action was taken.

This is not the first time Rushfield has been scrutinized.



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He came under an internal investigation for a May 20, 2010, incident in which he is alleged to have choked a 23-year-old woman restrained in a chair in a holding cell.

The woman, Crystal Williams, was at a hearing in Family Court to support a friend. After a confrontation with marshals outside the courtroom about her use of a cellphone, she was taken to a holding cell and strapped into a restraining chair.

Marshals found she had outstanding traffic warrants in the city and were holding her for city marshals.

According to one of the four marshals in the room, Williams was combative and constantly screaming. The marshal, who asked not to be named in fear of retribution, said Rushfield grabbed her by the throat with one hand, shoved her head back and said, "You're in my house, bitch. Shut the f--- up."

Rushfield is also alleged to have broken her cellphone.

"There was no reason to put his hand on her throat," the marshal said.

Before an internal investigation into the incident, Rushfield summoned all the witnesses to the back of the courthouse to "get the story straight," the marshal said.

Court personnel were slow to report the alleged wrongdoing out of fear of retaliation from Rushfield, who they believed had the ear of the judges in Family Court, the marshal explained.

"He walks around like he's untouchable," the marshal said. "We were scared of losing our jobs, but we realized that something was wrong and it needed to be brought to someone's attention."

Las Vegas police also were asked to investigate the incident, but in early 2011, detectives with the Criminal Intelligence Section of the Metropolitan Police Department decided the matter was best left for administrative action by the court.

"We took a preliminary look at it, but thought it was more of a personnel issue and turned it over to the court administration," said Lt. Dave Logue, who runs the intelligence section.

Two years later, Steve Grierson, the District Court's executive, has taken no action against Rushfield, even though Bob Bennett, the court's security director, recommended firing the lieutenant.

Court officials would not allow Rushfield, Bennett, Grierson, Cash, O'Connor and Doninger to comment on this story. Chief District Judge Jennifer Togliatti declined comment.

Mary Ann Price, the court's public information officer, said court employees are prohibited from commenting on personnel matters and litigation.

"When the actions of any District Court employee are called into question, the court immediately responds by conducting a fair, thorough investigation and, upon completion, taking appropriate action," Price said.

The marshal who witnessed the alleged choking incident, however, said court officials are covering it up.

"People's rights are being violated in Family Court," the marshal said. "They have their own rules and regulations. There is no accountability. None."

Contact Jeff German at [jgerman@reviewjournal.com](mailto:jgerman@reviewjournal.com) or 702-380-8135.

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## I-Team: Cover-Up Alleged in Family Court

Posted: Mar 08, 2013 12:41 PM PST  
Updated: Mar 11, 2013 12:49 PM PDT

By Nathan Baca, Investigative Reporter - [bio](#) | [email](#)  
By Alex Brauer, Photojournalist - [email](#)

**LAS VEGAS --** Multiple employees and managers at the Clark County family court are under investigation for allegedly covering up a sexual assault by a court marshal.

The I-Team has uncovered video showing a woman claiming a court marshal sexually assaulted her. She was later arrested by that same marshal. The marshal has since been fired.

The I-Team's investigation shows how the internal affairs investigation is revealing much larger problems at family court.

There are multiple marshals involved and allegations ranging from sexual assaults to choking a citizen in court. The investigation began with a 2011 video that shows family court marshals arresting a woman because she claimed one of them sexually assaulted her.

Monica Contreras went to family court with her 2-year-old daughter in August 2011. She was in the courtroom only a few minutes on a routine divorce case. Her husband filed for a Temporary Restraining Order against her during their divorce. He never showed up in court so the order was denied.

According to internal court documents, as Contreras was leaving, family court marshal Ron Fox ordered her into a waiting room for an unexplained drug search.

Contreras said Fox touched her buttocks, breast, and ordered her to lift up her shirt. A later internal investigation by Clark County courts validated her claims. Contreras went back into the same courtroom and told hearing master Patricia Donninger that *her requests to have a female marshal handle the search were ignored.*

"I think I'd rather have a female in here and he went anyway. I was just offended by it. I'm just offended that he asked me," an upset Contreras told Donninger, who did not respond to her.

The video shows Marshal James Kenyon preparing to arrest Contreras. She can be heard pleading with him.

"For what, sir? Why would I be arrested? Can you please tell me?"

Marshal Kenyon is heard telling Contreras to turn around and put her hands behind her back. As Contreras continues to ask why she is being arrested, marshal Ron Fox replies.

"Because of false allegations made against a police officer," he told her.

The I-Team could find no law that would support the arrest. It is also highly unlikely a sexual assault victim would be placed under arrest by the alleged assaulter.

After repeated attempts by the marshals to get Contreras to recant her story, she breaks down.

"Let me go. It was all lies. I don't want to deal with anything. It was all lies. All lies. All lies. All lies. Please stop," she said.

Fox tells Contreras the only way she can avoid jail is to step up to the microphone and recant. Contreras agrees, but does the opposite.

"You put me in a room. You asked me to lift up my shirt without a witness," Contreras said into the microphone.

At that point, Fox replied, "OK, take her to jail."

For four minutes, Contreras pleaded to hearing master Patricia Donninger to listen to her, but Donninger never acknowledged Contreras, instead she talked and

played with Contreras's daughter.

"How can you do this to me? How can you watch?" Contreras pleaded.

Contreras kisses her daughter before being sent to jail. Her young daughter was sent to Child Haven. Two months later, Contreras filed a complaint with Court Marshal Internal Affairs.

Sources tell the I-Team, investigators were shocked they had not heard of the alleged courthouse sexual assault from family court Lt. Steve Rushfield. After a six-month internal affairs investigation, Fox was fired.

Nobody from Clark County courts told Contreras that her claims were validated. She only recently found out from the I-Team.

Contreras asked that we blur her face.

"I just hope I did the right thing by telling internal affairs," Contreras said. "It makes me feel good because now I know that I was right."

Clark County court administration released a statement reading: "Court personnel are prohibited from commenting on the video because it's a personnel matter. When the actions of any district court employee are called into question, the court immediately responds by conducting a fair, thorough investigation and, upon completion, taking appropriate action."

Even though Fox was fired, sources tell the I-Team, Clark County courts are widening their investigation into why this incident, and a growing number of assault allegations, were never reported by family court management to internal affairs.

Fox maintains his innocence and is [suing Clark County for wrongful termination](#). His attorney declined an on-camera interview but claims the marshal's arrest was legal because nobody in the courtroom tried to stop him.

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